

**MINUTES OF THE
CITY PLANNING COMMISSION
APRIL 6, 2007
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:03 a.m.

Commission Members:

Present: Caleb Faux, Jacquelyn McCray, Donald Mooney, James Tarbell, Milton Dohoney, Jr. and John Schneider.

Community Development and Planning Staff: Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Caroline Kellam, Steve Briggs and Ed Ratterman.

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the March 16, 2007 Planning Commission meeting for approval.

Motion:	Ms. McCray moved approval of minutes.
Second:	Mr. Mooney
Ayes:	Mr. Faux, Ms. McCray, Mr. Mooney and Mr. Schneider
Nays:	None, motion carried

CONSENT ITEMS

ITEM #1 A report and recommendation on accepting and confirming the dedication of a permanent easement to public use for construction, operation, maintenance, repair and replacement of a storm sewer and appurtenances in accordance with a plat entitled, “Sanitary Sewer Easement Dedication – Keystone,” Accession No. 60291.

ITEM #2 A report and recommendation on an ordinance authorizing the grant of a Grading, Utility and Access Easement to Neyer Properties, Inc., Dana Residential Investment, Ltd., Keystone Parke I, LLC and Keystone Parke II, LLC (collectively the “Keystone Parke Developer”) for the benefit of the Keystone Parke project, in Evanston.

ITEM #3 A report and recommendation on an authorizing the grant of a Landscaping and Utility Easement to Neyer Properties, Inc., Dana Residential Investment, Ltd., Keystone Parke I, LLC and Keystone Parke II, LLC (collectively the “Keystone Parke Developer”) for the benefit of the Keystone Parke project, in Evanston.

ITEM #4 A report and recommendation on accepting and confirming the dedication of permanent easements to public use for construction, operation and maintenance of storm sewers and appurtenances in accordance with a plat entitled “SMU Easement Plat, Stratford Heights Development, Stratford Avenue.”

Motion: Mr. Mooney moved approval of Items #1 – 4.

Second: Ms. McCray

Ayes: Mr. Faux, Ms. McCray, Mr. Mooney and Mr. Schneider

Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #5 Preview presentation of the Draft Report of the Centennial Master Plan dated March 5, 2007 by the Cincinnati Park Board.

Mr. Steve Schuckman, Park Board, presented this item.

BACKGROUND / DISCUSSION

The Cincinnati Park Board recently completed a first draft of their new Centennial Parks Master Plan. They intend to present the Plan to the Planning Commission in two stages. The first presentation will be given at the April 6, 2007 meeting of the Planning Commission. This presentation is intended to be a preview to familiarize the Commission with the Plan. The Park Board was also seeking comments and input from the Planning Commission at this meeting.

The Park Board was seeking comments from the Planning Commission on the draft Plan.

Mr. Tarbell arrived at 9:13 a.m.

Mr. Dohoney arrived at 9:16 a.m.

DISCUSSION

Mr. Schuckman gave a PowerPoint presentation of the new Centennial Parks Master Plan. He stated that the process took approximately eighteen months and asked the Planning Commission members for their comments. He added that information for the Master Plan was on the website. Exhibit A attached, is a handout provided by Mr. Schuckman that summarizes the major recommendations or new initiatives of the Plan.

Mr. Mooney stated that it was an excellent presentation. He said that the focus of increasing green space downtown would be appealing to new residents. He stated that he

felt the additional concessions proposed in the Plan would bring needed revenue and draw increased visitors. He said that other cities had used a mix of parks and commercial areas with success. He added that he would not support user fees such as those charged by the Hamilton County Parks.

Mr. Schneider suggested that the steps should be considered parks adding them to the Master Plan which would then turn liabilities into assets.

Mr. Tarbell applauded Mr. Mooney's remarks and stated that he felt that the Master Plan was a great opportunity for the City to add parks and green space. He said that he felt that there needed to be a larger allocation of tax funding for the Parks.

Mr. Faux stated that he was very impressed with the Master Plan and felt that it had been well thought out.

Ms. McCray stated that the presentation was wonderful, and acknowledged that it is obvious that the Park Board members and staff recognize the value of having a master plan and a vision that establishes a framework for the use of future resources. She asked Mr. Schuckman to address the comment that he made during his presentation that Cincinnati is behind in the amount of public trails, and asked what the plan recommends regarding future trails.

Mr. Schneider stated that he felt there was a demand for trails. He said that trails were a regional issue and recommended that there be a single entity to design, build and maintain a regional trail system.

Ms. Wuerstle pointed out to Mr. Schuckman that the Draft Plan calls for parking lot beautification and suggests that the Zoning Code be amended to require addition landscaping. She explained that the Planning Commission created a Zoning Amendment Committee and that this committee is currently reviewing approximately 140 code changes. She suggested that Mr. Schuckman attend one of the committee meetings to discuss the parking lot landscaping issues recommended in the Draft Parks Master Plan. Mr. Faux concurred. Ms. Wuerstle offered to work with Mr. Schuckman to arrange a meeting date and Mr. Schuckman agreed that he would work with the Zoning Amendment Committee.

Mr. Schneider left the meeting at 10:11 a.m. and returned at 10:13 a.m.

ITEM #6 A report and recommendation on a draft of the Mt. Washington Comprehensive Plan dated March 2007.

Ms. Wuerstle, Chief Planner, presented this item.

GENERAL INFORMATION:

Planning Area: The entire Mt. Washington neighborhood

Purpose:

To create a long-range vision for the neighborhood to preserve and improve the community's quality of life.

BACKGROUND:

Through the City's 2004 Community Priority Request (CPR) process, the Mt. Washington Community Council requested that a Comprehensive Plan be developed for the neighborhood. In 2005, members of the Mt. Washington community with help from staff of the Department of Community Development and Planning initiated a comprehensive planning process for the neighborhood. City staff from the Departments of Buildings and Inspections, Transportation and Engineering, Parks, and Police and the Metropolitan Sewer District and Greater Cincinnati Water Works also participated in the planning process.

EXISTING PLANS:

In 1996 the City adopted the "Mount Washington Urban Design Plan" which set policy guidelines for the primary neighborhood business district along Beechmont Avenue. The Urban Design Plan updated and revised standards set by the "Mt. Washington Architectural Focus Study" that was prepared by the City in 1979. The community has never had a comprehensive neighborhood plan.

COMMUNITY INVOLVEMENT:

On August 31, 2005, Department of Community Development and Planning hosted a "Kick Off" meeting for the plan in the neighborhood. Notices for the meeting were sent to the 7,000 property owners in Mt. Washington, posters were displayed in the business district and flyers were distributed throughout the community. Over one hundred and fifty Mt. Washington stakeholders attended the Kick Off meeting. The meeting included information regarding the planning process and was highlighted by a brainstorming session to discuss what Mt. Washington would be like if the Plan were successful. A website was created to track progress of the plan and subsequent meetings were advertised by mail, on the website, or by email.

Stakeholders were also encouraged to make nominations for the Steering Committee. City staff and community leaders reviewed the nominations and appointed a Steering Committee that included a diverse group of residents and other stakeholders. Subcommittees of volunteers were then formed to research topics in depth and propose future recommendations. Two Open Houses were held to obtain feedback on the draft Goals, Objectives and Strategies of the Plan. Over one hundred stakeholders attended the open houses and provided comments and feedback on a variety of issues. The recommendations were revised based on feedback received.

Students at Mt. Washington Elementary School also participated in the planning process by drawing "Dream Cards" depicting their wishes for the neighborhood. The drawings included skate parks, water parks, video game and clothing stores, movie theaters/entertainment venues, organized sports and a new swimming pool and showed

support for Mt. Washington Elementary School. Many of these ideas were incorporated into the Plan.

Letters were sent by the City and the Mt. Washington Community Urban Redevelopment Corporation to all property owners in the business district explaining the proposed zone changes in the business district and requesting feedback.

Outside organizations such as Housing Opportunities Made Equal, Cincinnati Public Schools- Local Schools Decision Making Committee and Consultant, Cincinnati Metropolitan Housing Authority, Anderson Township, Anderson Area Chamber of Commerce, Sierra Club and Cincinnati Preservation Association also participated in the creation of this plan.

PLAN OVERVIEW:

The plan provides background information and future recommendations in the categories of Economic Development, Housing, Transportation, Quality of Life, Utilities, Natural Environments and Preservation, and Land Use.

Recommendations focused on topics such as improving the mix of businesses and aesthetics of the business district, promoting and enhancing the walkability and pedestrian-friendliness of the entire community, improving communications about issues and events in the community, preserving and promoting the neighborhood's historic and natural assets, increasing opportunities for physical activity by improving the trail network, and encouraging the use of green building techniques.

A draft of the plan was circulated to the Departments involved in the creation of the plan and their feedback was incorporated into this draft.

OUTSTANDING ISSUES:

The community has been unable to reach a consensus regarding the zoning of the primary neighborhood business district (NBD) located along Beechmont Avenue. The plan currently recommends Commercial Community- Pedestrian-oriented (CC-P) zoning on both gateways to the NBD and the property south of Corbly Street. Commercial Community-Mixed Auto and Pedestrian-oriented zoning (CC-M) is proposed to be placed on the property north of Corbly Street, to accommodate the existing mix businesses that have drive-throughs (such as fast food restaurants, financial institutions and an oil change facility) and businesses, including strip malls) that are set back from the street to accommodate large parking lots along Beechmont Avenue. Property owners in the business district have not voiced opposition to the proposed zone change.

A portion of residents of the community and members of the Comprehensive Plan Steering Committee and Subcommittees; however, have been vocal about their desire for a pedestrian-friendly business district and have requested that the entire business district be zoned CC-P. They argue that CC-P zoning would promote uniformity of the business district in the years to come and achieve desired character. They cite the O'Bryonville business district, which is located on a street with traffic compatible to Beechmont Avenue, as an example of the desired character.

Those who oppose a zone change of the entire NBD to CC-P are concerned that the community will be driving out desirable businesses (such as financial institutions and some coffee shops) that require drive-throughs to successfully operate. The community has requested the feedback of Planning Commission on this issue.

CONCLUSION:

1. The draft of the Mt. Washington Comprehensive Plan reflects countless hours of community and staff research and participation.
2. The Steering and Sub-Committees support recommendations in the draft plan as necessary to improve the quality of life in Mt. Washington.
3. Community stakeholders largely support recommendations in the plan.

RECOMMENDATION:

Department of Community Development and Planning staff recommended that City Planning Commission take the following actions:

APPROVE the draft of the Mt. Washington Comprehensive Plan dated March 2007 and direct staff to finalize the document based on recommendations made by City Planning Commission.

DISCUSSION

Ms. Wuerstle gave a brief overview of the Mt. Washington Comprehensive Plan dated March 2007. She stated that the community had been unable to reach a consensus regarding the zoning of the primary neighborhood business district (NBD) located along Beechmont Avenue and asked for comments from the Planning Commission members.

Mr. Jake Williams, President of the Steering Committee, stated that the Plan received a great deal of community support. He stated that there was a perception that Mt. Washington was a pass-through community. He stated that the Plan would help to strengthen and clarify the vision of the community and reach out to new residents. He said that business owners supported some CCP but wanted some of the zoning to remain CCM.

Mr. Faux stated that the Plan appeared to have a great deal of community support. Ms. McCray agreed and asked if staff had received any formal opposition from business owners. Ms. Wuerstle stated that no formal opposition had been received.

Mr. Mooney stated that he supported as much CC-P zoning as possible.

Mr. Faux stated that by approving staff recommendations, the Mt. Washington Comprehensive Plan dated March 2007 would be finalized by staff.

Motion: Mr. Tarbell moved approval of Item #6
Second: Ms. McCray

Ayes: Mr. Faux, Ms. McCray, Mr. Mooney, Mr. Tarbell, Mr. Dohoney and Mr. Schneider
Nays: None, **motion carried**

ITEM #7 A report and recommendation on a Final Development Plan for a development within Planned Development District #45 (PD-45), Madison Circle, located near the intersection of Red Bank Road and Madison Road in Madisonville.

Ms. Katherine Keough-Jurs, Senior Planner presented this item.

BACKGROUND

On November 3, 2006 the City Planning Commission approved a zone change from CG-A Commercial General - Auto to PD Planned Development District at 5081 Madison Road, 5101 Madison Road, 5207 Madison Road, and 4851 Red Bank Expressway, and approved the concept plan for PD District #45 (PD-45) as proposed by Circle Development, the property owner and developer.

Madison Circle is a proposed new development near the intersection of Madison Road and Red Bank Expressway, on the sites previously occupied by the former Oakley Drive-In and Southwestern Publishing Company. The proposed development would consist of approximately 492,000 square feet of senior living and health care, retail services, office space, and restaurants on an approximately 30- acre site. A public road through the site is proposed. The project is projected to draw approximately 250 residents, 500 daily employees, and additional shoppers and restaurant patrons.

FINAL DEVELOPMENT PLAN

A final development plan has been prepared by ArchitectsPlus and submitted by Circle Development. Elements of the Final Development Plan include the following:

Senior Living Facilities

The senior living facilities that are proposed will be developed and operated by CareSpring Health Care Management. The *IndianSpring* Health Care Facility, located on a 6.7-acre site nearest to Madison Road, will be a three-story 133,851 square-foot building. The top two levels will be comprised of a 140-bed contemporary nursing facility. The lower level will be dedicated to nursing home support operations, and will include 30,000 square feet of lease space for medical, exercise, retail and compatible services for the local community. On a 3.3-acre site on the western portion of the development, the *Barrington of Oakley* will occupy 130,000 square feet on four levels. This building will contain 110 assisted living apartments, a full dining room, exercise and recreational facilities.

Red Dog Pet Resort

The Red Dog Pet Resort and Spa is being developed on 2.8 acres at the southwest corner of the site. This is proposed as a 28,125 square-foot high-end pet care facility, catering to pet owners who wish to board their pets during the day or overnight. Related retail and

service functions will be included in the pet spa. The Red Dog Pet Resort is considered, in part, to be an existing use, as the foundation permits for this site were applied for before the zone change to PD went into effect. However, any future permits sought for the Red Dog Pet Resort will be reviewed under the guidance of the Final Development Plan.

Existing Office and Retail

Two existing buildings will remain on the northeast portion of the site. The 4,859 square-foot single-level retail building facing Madison Road has been renovated, has one new tenant, and is seeking others. Directly behind this facility is a two-story 13,480 square-foot office building that is the new home of the American Heart Association.

New Office Buildings and Restaurants

On the remaining portions of the site, Circle Development plans to develop two office buildings and up to three restaurant/retail uses. Presently, tenants have not been determined and the details of these projects are represented in the submission by buildings ArchitectsPlus, Inc. has completed that are of similar scale and composition.

The two office buildings proposed will be two and three stories with floor plates of approximately 12,000 square feet. The use of brick, accent masonry and glass will be similar to the Madeira Medical Building, which is shown as a sample building.

The site plan also shows three freestanding restaurant/retail pads of 3,700 – 5,200 square feet. The proposed restaurants will be full-service restaurants, as defined by the zoning code as: establishments providing table service, where customers pay after eating (although take out service may also be provided). The submission includes plans for a TGIFriday's restaurant as a reference to the scale, detail, and composition that is envisioned for the potential restaurants in this development. It is not intended to suggest that this specific restaurant will be located on this site. After discussions with the surrounding community, Circle Development learned that there is a local need for a pharmacy, and may seek a national pharmacy as a user for one of the three pads. Restaurants or retail uses with drive-through services are currently not proposed, and the addition of such uses would constitute a major amendment to the Final Development Plan.

Proposed Public Road

Circle Development has requested funding in the form of Tax Increment Financing (TIF) from the City of Cincinnati for completion of a public road and infrastructure facilitating access to the site. The proposed portions of the public road are designated as Madison Circle Drive and Red Dog Place on the site plan. Madison Circle Drive extends from the Madison Road entrance to a round-about at the southern portion of the site. A continuation of Madison Circle Drive extends from the round-about to a right-in/right-out connection to Red Bank Expressway. Red Dog Place extends from the southern portion of Madison Circle Drive to a proposed connection with the Ohio Medical Instrument building at the southern end of Charlemar Drive, the residential street to the west of the Madison Circle Development. City Staff have not yet completed the funding review, which also must receive approval from City Council. All projects proposed and

preliminary reviews in this Final Development Plan are dependent upon City financing of the public road.

Public Improvements Outside of the PD Boundary

Although not located within the boundary of PD-45, and therefore outside the purview of zoning approval, there are several related public improvements that are necessary to mention:

- The connection of Red Dog Place to Ohio Medical Instrument, and subsequent creation of a cul-de-sac on Charlemar Drive, would allow commercial traffic to be removed from a residential street. To complete this, property must be acquired from Ohio Medical Instrument and the City's Department of Transportation and Engineering (DOTe) must work with the residents on Charlemar Drive to discuss and design a cul-de-sac.
- In its preliminary review, DOTe has recommended widening Madison Road beginning at Madison Circle Drive and extending to Red Bank Expressway. It also recommends widening Red Bank Expressway beginning potentially at the proposed right-in/right-out portion of Madison Circle Drive and extending to Madison Road.
- The City has had a long-range goal to connect Hetzel Street on both sides of Red Bank Expressway. If this is to occur in the future, a road would begin at the round-about at Madison Circle Drive, cross the Duck Creek, and connect to Red Bank Expressway. This long-term project would require considerable property acquisition and significant engineering work.

Schedule

The development will be completed in four phases. Depending on market conditions, construction is proposed as follows:

Phase I – Scheduled to begin in Spring 2007

- Existing Retail Building (already in progress)
- Existing Office Building (already in progress)
- Proposed Assisted Living Facility
- Proposed Healthcare Facility
- Proposed Pet Retail (already in progress)
- Construction of Madison Circle Drive Public Road*

*This item cannot begin until the City approves financing of this project.

Phase II – Scheduled to begin 4th Quarter 2007

- Proposed Restaurant/Retail Pad
- Construction of Red Dog Place Public Road*

Phase III – Scheduled to begin Summer of 2008

- Proposed Office Buildings
- Proposed Restaurant/Retail Pad

Phase IV – Scheduled to begin Summer of 2009

- Proposed Restaurant/Retail Pad

The following chart summarizes the proposed uses on the site, including square footage, number of stories, minimum setback, and phase.

Use	Square Footage	Stories	Minimum Setback	Phase
Healthcare Facility	133,851	3	50	I
Assisted Living Facility	130,000	4	70	I
Pet Resort	28,125	1	55	I
Office Building A	36,000	3	250	III
Office Building B	24,000	2	150	III
Retail/Restaurant A	3,700	1	150	III
Retail/Restaurant B	3,900	1	25	IV
Retail/Restaurant C	5,200	1	40	II
Existing Retail Building	4,859	1	40	I
Existing Office Building	13,480	2	40	I

Landscaping

The landscaping plan shows various deciduous trees, evergreen trees, decorative trees, and shrubs surrounding the buildings, dispersed throughout the open space, and located on landscaped islands in the parking lots within the development. Trees are also to be planted along the proposed Madison Circle Drive, CareSpring Drive, and Red Dog Place, softening the appearance of the development and providing additional buffering to the uses within and outside the development. To provide a more substantial buffer between the residences on Charlemar Drive and the existing service drive, the Landscape Plan includes a six-foot cedar shadowbox fence and a line of approximately 40 six-foot Norway Spruce trees. One of the conditions of the support of the Madisonville Community Council was to encourage the developer to retain the existing oak trees on the northern edge of the site. Circle Development will try to retain those trees, however, the road widening along Madison Road may not make that feasible. In the event that the trees cannot be retained, Circle Development has considered finding replacement trees that will be in scale with the proposed development yet large enough to buffer the residential neighborhood from Red Bank Expressway noise.

Lighting

The proposed Lighting Plan shows two types of fixtures: one for the street and one for the parking lots. The street fixture is the Holophane Esplanade. Fourteen fixtures will line the proposed Madison Circle Drive. The parking lot fixture is the Lumec Contemporary Lantern L80 Series. Eighty-two single lamps will be distributed throughout the parking lots, and eleven double lights will be focused on key areas of the parking lots in need of additional lighting. Both selected fixtures are approved and recommended by the City's Department of Transportation and Engineering (DOTE). The Lighting Plan submitted is applicable to zoning approval only, as DOTE may require submission of a more

comprehensive Lighting Plan in conjunction with the approval of the proposed public road.

Parking

A total of 924 parking spaces will be provided in this proposed development. The chart below shows the approximate number of spaces provided for each use:

Use	Square Footage	Spaces Provided	Spaces Required	Difference
Healthcare Facility	133,851	237	155	+82
Assisted Living Facility	130,000	121	55	+66
Pet Resort	28,125	54	70	-16
New Office Buildings	60,000	231	150	+81
New Restaurant/Retail Sites	12,800	179	51-85	+94-128
Existing Retail Building	4,859	48	19	+29
Existing Office Building	13,480	54	33	+21
Total	492,699	924	533-567	+357-391

According to the Cincinnati Zoning Code: one parking space is required for every 4 assisted living or nursing residents; one space for every 400 square feet of animal services; one space for every 400 square feet of office space; one space for every 150 square feet of full service restaurants; and, one space for every 250 square feet of retail sales. Using these calculations, and considering the lease space in the Healthcare Facility and that the three restaurant/retail pads could be full service restaurant or retail sales, approximately 468 to 502 parking spaces would be required. The proposed 924 parking spaces exceed this requirement by over 350 spaces, making up for any individual uses that lack required spaces.

Engineering

Availability and capacity of utilities are still being determined. Final determination of utility availability and capacity are dependent upon City funding for the proposed public road. Circle Development and their engineers, ME Companies, have been coordinating the infrastructure design with MSD, GCWW, DOTE and other City departments. To ensure that all decision-making agencies were updated on the most recent proposed development, Planning Staff circulated both preliminary and official copies of the Final Development Plan submission to key City departments. Any comments from these departments must be incorporated into construction documents and any development agreement with the City.

Property Ownership

Circle Development (under the name Hyde Park Circle) is the listed owner of all but two parcels within the development site. Hyde Park Circle has already sold one parcel, the existing office building at 5211 Madison Road, to the American Heart Association. Another parcel (HCAP 51-8-100) is currently owned by the City of Cincinnati, and Circle Development is in the process of petitioning the City for the sale of this property.

The project consists of a group of development lots that may be shared, sold, or leased to other developers to build their respective products. Each lot purchaser will own the constructed product they build at their site. However, they will be required to abide by the restrictive covenants for architectural, open space, maintenance, landscaping and other requirements as set forth in the Final Development Plan. The overall maintenance and repair of all common areas, including landscaping, utilities, drives, streets, and parking will be administered by the master developer, Circle Development. All development is required to be consistent with the approved Final Development Plan.

Open Space

Approximately 14.64 acres (49%) of the 30-acre development are proposed as open space or landscaped areas. Approximately 1.82 acres (12%) of the proposed open space is in the floodway, where construction is prohibited. Other open space areas house detention ponds. A retention pond with a fountain, a gazebo, a sculpture mound, and other landscaped areas are proposed specifically in conjunction with the healthcare and assisted living facilities.

Signage

The Signage Plan shows eleven different types of signage, including way-finding signage and temporary signage. The most significant types of signage include:

- Type A – two main entrance signs, one located at the main entrance on Madison Road, one located near the right-in/right-out on Red Bank Expressway. Maximum height of 20 square feet. The main face of the sign will have a maximum area of 18 square feet (3' x 6'), with additional elements measuring 12 square feet (2' x 6') for future tenant names. The sign will be externally illuminated.
- Type B – two primary entrance signs, one located in front of the IndianSprings facility, another at the right-in/right-out on Red Bank Expressway. The sign face will have a maximum area of 18 square feet (3' x 6'). The sign will be ground mounted on a masonry base with brick accents and illuminated with ground-mounted lights.
- Type C – four primary destination signs to be located in front of the IndianSprings, Barrington, Red Dog and existing office and retail sites. The sign face will have a maximum area of 12 square feet (2' x 6'). The sign will be ground mounted on a masonry base with brick accents and illuminated with ground-mounted lights.
- Type D – four secondary destination signs to be located at parking entrances for the IndianSprings and office developments. The sign face will have a maximum area of 8 feet (2' x 4'). The sign will be ground mounted on a masonry base with brick accents and illuminated with ground-mounted lights.
- Type E – one existing sign for the existing retail site on Madison Road. Minor renovations will adapt this sign to the design of the new signs.

- Type F – five building signs denoting the primary use for the existing and proposed office buildings and the Red Dog facility. These signs will not be illuminated, will be located at the primary entrance, will be a maximum of 1” – 4’ high and 5’ – 0” long, and will be made of materials compatible with each building’s architecture.
- Type G – eight way-finding signs at critical points throughout the development. The sign face will have a maximum area of 5 square feet (1.5’ x 3’). The sign will be ground mounted on a masonry base with brick accents and illuminated with ground-mounted lights.
- Type I – three outlot signs with the establishment’s national brand image. These signs will be located on the building face, and limited to a maximum aggregate of 50 square feet per tenant. Individual pylon signs will not be permitted.

DIFFERENCES BETWEEN CONCEPT PLAN AND FINAL DEVELOPMENT PLAN

The final plan proposes a development that is very similar to that approved in the concept plan, but featuring changes to the location and density of the senior housing facilities, pet care facilities, and office buildings.

In the concept plan, the development included two additional office buildings, which have been replaced with the senior healthcare facility. The office buildings were moved to interior lots within the development, and the healthcare building was placed to front Madison Road. The assisted living facility was also moved from an interior lot to one of the western-most lots, and is now adjacent to the residential Charlemar Drive. The setbacks were altered to better coordinate with the proposed public road. All parking is proposed to be on surface lots instead of a three-level parking structure, but the number and height of the office buildings has decreased.

These changes have focused this development more on the senior residential and medical care uses, and less on the proposed office uses. Given the location of this development adjacent to a residential neighborhood and the need for quality senior care, each revision to this development has been seen as a positive modification. In all, the proposed changes will make this a higher-quality development than the one previously proposed.

PUBLIC COMMENT

Since the approval of the zone change and Concept Plan, representatives from Circle Development have met with surrounding property owners and representatives from the Madisonville Community Council on several occasions. The Madisonville Community Council heard a presentation on the Final Development Plan at the March 15, 2007 meeting and voted to support the Final Development Plan (letter of support forthcoming). The vote of support from the Madisonville Community Council was conditional upon several changes being made to elements of the site plan, including size and construction of signage and increased landscaping and buffering. A group of surrounding residents and representatives of the Community Council met on March 25, 2007 to review the changes to the site plan, and agreed that the conditions had been met. Surrounding residents and the Madisonville Community Council have also expressed a desire to be kept up to date on the progress of this important development.

CONSISTENCY WITH EXISTING PLANS

This property is within the Madisonville Industrial Corridor Urban Renewal Plan, adopted in 1991. The proposed development is located within the bounds of Focus Area One, which designates this site for future redevelopment. One main strategy of the plan, to construct a new roadway to remove industrial traffic from residential streets, is being recommended in this Planned Development.

CODE REQUIREMENTS

Pursuant to Section 1429-13 *Final Development Plan* of the Cincinnati Zoning Code, a Final Development Plan and Program Statement must be submitted to the City Planning Commission for any portion of an approved concept plan that an applicant wishes to develop. The final plan must conform substantially to the accepted concept plan. The Final Development Plan requirements anticipate changes from the concept plan and require significantly more detail as approval of the Final Development Plan precedes building permit application submission.

Under Section 1429-15, the City Planning Commission may approve a Final Development Plan for a development in a PD District on consideration of the following:

(a) Consistency

This Plan is consistent with the purpose of the PD District because it:

- Allows for more efficient development of property
- Allows the developer to be more creative with the use of the space, creating a mixed-use development that would not be possible with conventional zoning.
- Includes open space areas interspersed throughout the development, and features landscaping that creates an aesthetically pleasing environment.

(b) Adequate Streets

The development has an adequate street network because it:

- Utilizes an existing curb cut on Madison Road as the main access.
- Proposes a new public roadway and traffic light.
- Creates an opportunity to re-route commercial traffic off of Charlemar Drive, a primarily residential street, by connecting the proposed new public road to the industrial site at the end of Charlemar. This fulfills a strategy from the adopted Madisonville Industrial Corridor Urban Renewal Plan (1991)
- Provides some infrastructure for a potential future connection of the proposed public road to Red Bank Expressway.

(c) Adequate Infrastructure

The following statements relate to the site infrastructure:

- The developer must continue to work with MSD to determine sufficiency of sewer credits and impact and requirements of development in the floodplain.
- The developer must continue to work with GCWW to ensure no interference with water mains, and appropriate hydrants and sprinkling.

- The developer must continue to work with DOTE to determine roadway design.
- The developer must continue to work with DCDP and the Finance Department to ensure responsible public financing of the public road.
- Comments and concerns of all other departments must be addressed specifically in construction documents.

(d) Covenant

(e) Release of Covenants

(g) Sufficiency of Legal Documents

(h) Sufficiency of Provisions for Maintenance of Common Areas

Circle Development has provided pertinent sections of a document entitled “Declaration of Covenant, Conditions, Restrictions and Reservation of Easements for Madison Circle” as prepared by Keating, Muething and Klekamp, PLL. The document shows the covenants and restrictions of use and occupancy and development standards for the proposed Madison Circle development. Circle Development also plans to enter into a development agreement with the City of Cincinnati for Tax Increment Financing (TIF). This development agreement, if approved by Cincinnati City Council, would further outline the responsibilities and development controls for this project.

(f) Compatibility

The proposed uses and arrangement are compatible with surrounding land uses because:

- The site is located near commercial uses along Red Bank Expressway, but is also adjacent to several residential streets. The mix of uses proposed in the Madison Circle development is consistent with uses found at the intersection of two major transportation corridors, but the low-intensity of the residential and office uses are compatible with the nearby residential neighborhood.
- The development will assist in the continued revitalization of this important commercial corridor.
- Circle Development has pledged to continue to work with the Madisonville Community to ensure that the development will be a long-term asset to the neighborhood.

FINDINGS

The *Madison Circle* development has been refined over time to create a site that offers high-quality uses with a set of development controls that help to encourage a high-quality setting, with appropriate buffering to minimize the impact on the surrounding residential uses. Circle Development is currently working with DCDP and other City departments on financing, engineering, utility, and floodplain issues. Some projects within this development are ready to move forward, but must ultimately meet all building and development regulations as set forth in other City and State codes.

Therefore, it is the opinion of staff of the Department of Community Development and Planning that the proposed *Madison Circle* development is in compliance with Section

1429-15 “Planning Commission Approval of Final Development Plan”. The proposal is consistent with the purpose of the Planned Development District Regulations and the previously accepted Concept Plan of November 3, 2006.

RECOMMENDATION

The staff of the Department of Community Development and Planning recommended that City Planning Commission take the following action:

Approve a Final Development Plan for Planned Development (PD) District #45 Madison Circle, located near the intersection of Red Bank Expressway and Madison Road in Madisonville, authorizing the development to proceed.

Mr. Tarbell left the meeting at 10:31 a.m.

DISCUSSION

Ms. Keough-Jurs stated that in November 2006, the Planning Commission approved a zone change on this property from CG-A to a Planned Development District and approved the concept plan for PD District #45. She gave a brief overview of the Final Development Plan and presented a map to illustrate changes.

Ms. Keough-Jurs stated that the Madisonville Community Council supported the Plan and distributed their letter of support to the Planning Commissioners. She stated that she received mostly favorable comments from residents. She added that there were many community members present to speak in support of the Plan. She distributed a letter from Mr. R.R. Kelsch voicing opposition of the development.

Mr. Tarbell returned to the meeting at 10:37 a.m.

Ms. McCray left the meeting at 10:37 a.m.

Mr. Schneider stated that he liked the Plan and asked if the development had sidewalks. Ms. Keough-Jurs explained that sidewalks were not required but that the developer had put them in the Plan.

Mr. Faux acknowledged that there were several people signed up to speak in favor of the Plan and asked if there were any present to speak in opposition. There was no one present in opposition.

Ms. McCray returned to the meeting at 10:40 a.m.

Motion:	Mr. Mooney moved approval of Item #7.
Second:	Mr. Dohoney
Ayes:	Mr. Faux, Ms. McCray, Mr. Mooney, Mr. Tarbell, Mr. Dohoney and Mr. Schneider
Nays:	None, motion carried

ITEM #8 A report and recommendation on a proposed zone change from OG Office General to CC-M Community Commercial Mixed at 1216 E. McMillan Street in East Walnut Hills.

Ms. Katherine Keough-Jurs, Senior Planner presented this item.

GENERAL INFORMATION:

Petitioner: Michael T. Misleh
3081 Madison Road
Cincinnati, OH 45209

Purpose: To construct a new development to feature restaurant and retail uses.

BACKGROUND:

On November 3, 2006, City Planning Commission **denied** a zone change from OG Office General and CC-M Commercial Community–Mixed to CC-A Commercial Community–Auto at 1202 E. McMillan Street, 1216 E. McMillan Street, and 2516 Victory Parkway, and **approved** a zone change from OG Office General to CC-M Commercial Community–Mixed at 1216 E. McMillan Street. City Council approved the zone change on December 20, 2006.

Approval of this zone change was contingent on the sale of the property to the petitioner. The wording of the adopted ordinance required that the zone change become effective after the sale of property to KVMS P.L.L., who is listed as the owner of the Skyline property at 1202 E. McMillan. However, the name of the entity the Misleh family is using to purchase the property is KMS Realty LTD.

Approving the zone change again will allow City Council to adopt a second ordinance without the sale contingency.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommended that City Planning Commission take the following action:

Approve a zone change from OG Office General to CC-M Commercial Community–Mixed at 1216 E. McMillan Street in East Walnut Hills.

DISCUSSION

Ms. Keough-Jurs gave a brief overview of the proposed Zone Change and said that the same family is purchasing the property, but that the name changed from KVMS P.L.L. to KMS Realty LTD.

Motion: Mr. Mooney moved approval of Item #8
Second: Ms. McCray

Ayes: Mr. Faux, Ms. McCray, Mr. Mooney, Mr. Tarbell, Mr. Dohoney and Mr. Schneider
Nays: None, **motion carried**

OTHER BUSINESS

Mr. Faux brought up the motion from City Council requesting planning staff determine how to rezone the Western riverfront to a parks designation and stated that he felt that it would be appropriate for the Planning Commission to respond to this issue. He said that he felt that the amount of time and resources that this would entail would be significant. He stated that due to the nature of the area it would be infeasible to do such a rezoning.

Mr. Mooney stated that he was not aware of the situation and asked the manner in which it was presented. Mr. Faux explained that Councilmember Cranley presented it to the Planning Commission and to staff in the form of a motion related to an issue at the previous meeting. He said that the last stipulation in the motion directed planning staff to study the feasibility of rezoning the entire western riverfront for parks and recreation. Mr. Mooney asked if an estimation of the cost to acquire all of the land, was included in the request.

Mr. Tarbell stated that he thought the study was to be done for the property related to Hilltop and Queensgate Terminals. Mr. Faux explained that the directive included the entire western riverfront located within the City.

Ms. Wuerstle stated that there was a referral for a report that was sent to the Parks Department.

Mr. Mooney stated that the issue was not simply a consideration of how to zone the area but the considerable issue of budgeting the funds to acquire the land. He said that there were legal issues with rezoning property without any intention of buying the land and preventing owners from developing their property. Ms. McCray stated that the bigger issue was the appropriateness of land uses and how they are zoned and used.

Mr. Tarbell suggested that in response to the directive, staff should prepare a brief summary of the issues. Mr. Mooney agreed and added that a description of the process to rezone the entire western riverfront should satisfy the directive. He explained that the City could not require public access, green space and bike trail activities without acquiring the land. He said that it might be possible to use eminent domain to acquire the land, however there would still be a significant expense.

ITEM #9 Planning Commission Forum

DISCUSSION

Ms. Wuerstle gave a brief description of the Planning Commission Forum. Mr. Tarbell encouraged attendance and stated that the Annual Planning Partnership meeting would be held in May.

ITEM #10 Appointment of CPC member to the ZBA

DISCUSSION

Mr. Faux stated that he needed to resign from the Zoning Board of Appeals. In response to a request from the Commissioners, the City Solicitor confirmed that the position could not be shared or rotated between Planning Commission members. Julia Carney stated that a Planning Commissioner must hold the position and that due to the quorum requirements must be someone that would attend consistently.

Mr. Mooney stated that ZBA meetings are held on Monday mornings and it's difficult for people to take time off from work. He stated that Mr. vom Hofe had expressed an interest and suggested that Ms. Wuerstle contact him regarding the position.

Ms. McCray also commented that her travel schedule would make it difficult for her to regularly attend Monday meetings.

OTHER BUSINESS

Mr. Faux stated that the Banks design team met recently and that they would be ready for a public presentation in the near future. He said that due to the level of interest in the Banks, an evening meeting would be advisable. Mr. Mooney agreed and Ms. Wuerstle polled the Commissioners for availability. It appeared that a Tuesday or Wednesday evening would work best for everyone.

ADJOURN

Motion:	Ms. McCray moved to adjourn.
Second:	Mr. Schneider
Ayes:	Mr. Faux, Ms. McCray, Mr. Mooney, Mr. Tarbell, Mr. Dohoney and Mr. Schneider
Nays:	None, motion carried

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____